

Assembly Bill No. 1712

CHAPTER 545

An act to amend Section 103627 of, and to add and repeal Section 103627.5 of, the Health and Safety Code, and to amend Section 18309 of the Welfare and Institutions Code, relating to domestic violence.

[Approved by Governor October 5, 2005. Filed with
Secretary of State October 5, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1712, Hancock. Domestic violence.

Existing law authorizes the Alameda County Board of Supervisors, upon making findings and declarations supporting the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, to authorize an increase in the fees for certified copies of marriage certificates, birth certificates, fetal death records, and death records, up to a maximum increase of \$2. Existing law authorizes the Alameda County Board of Supervisors to authorize an increase in those fees each year. In addition to those fees, existing law requires any applicant for a certified copy of a birth certificate, a fetal death record, or death record in Alameda County to pay an additional fee to the local registrar, county recorder, or county clerk as established by the Alameda County Board of Supervisors.

Existing law requires the Alameda County Board of Supervisors to direct the local registrar, county recorder, and county clerk to deposit the above fees into a special fund. Existing law authorizes the county to retain up to 4% of the fund for administrative costs and requires proceeds from the fund to be used for governmental oversight and coordination of domestic violence and family violence prevention, intervention, and prosecution efforts.

The above provisions of existing law remain in effect only until January 1, 2010.

This bill would additionally authorize the City Council of the City of Berkeley to authorize an increase in the fees within its local health jurisdiction for certified copies of birth certificates, fetal death records, and death records, up to a maximum increase of \$2. The bill would also authorize the city to authorize an increase in those fees each year and to establish an additional fee that any applicant for a certified copy of a birth certificate, a fetal death record, or death record in the city must pay to the local registrar. The bill would require the city to direct the local registrar to deposit the above fees into a special fund, separate from the county's special fund, and would authorize the city to retain up to 4% of the fund for administrative costs.

This bill would require the City Council of the City of Berkeley to submit a report to the Assembly Committee on Judiciary and the Senate Committee on Judiciary, by no later than July 1, 2009, containing designated information relating to the receipt and expenditure of the authorized fees and domestic violence prevention, intervention, and prosecution efforts in the city.

This bill would state the finding and declaration of the Legislature that, due to unique circumstances applicable to the City of Berkeley, a statute of general applicability cannot be made applicable.

The people of the State of California do enact as follows:

SECTION 1. Section 103627 of the Health and Safety Code is amended to read:

103627. (a) (1) The Alameda County Board of Supervisors , upon making findings and declarations supporting the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, may authorize an increase in the fees for certified copies of marriage certificates, birth certificates, fetal death records, and death records, up to a maximum increase of two dollars (\$2).

(2) The City Council of the City of Berkeley, upon making findings and declarations supporting the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, may authorize an increase in the fees for certified copies of birth certificates, fetal death records, and death records, up to a maximum increase of two dollars (\$2).

(b) Effective July 1 of each year, the Alameda County Board of Supervisors and the City Council of the City of Berkeley may authorize an increase in these fees by an amount equal to the increase in the Consumer Price Index for the San Francisco metropolitan area for the preceding calendar year, rounded to the nearest half-dollar (\$0.50). The fees shall be disposed of pursuant to the provisions of Section 18309 of the Welfare and Institutions Code.

(c) In addition to the fees prescribed by subdivisions (a) and (b), any applicant for a certified copy of a birth certificate, a fetal death record, or death record in Alameda County or in the City of Berkeley shall pay an additional fee to the local registrar, county recorder, or county clerk, as applicable, as established by the Alameda County Board of Supervisors or the City Council of the City of Berkeley.

(d) This section shall remain in effect only until January 1, 2010, and as of that date is repealed, unless a later enacted statute deletes or extends that date.

SEC. 2. Section 103627.5 is added to the Health and Safety Code, to read:

103627.5. If it elects to increase fees pursuant to Section 103627, the City Council of the City of Berkeley shall submit a report to the Assembly

Committee on Judiciary and the Senate Committee on Judiciary, by no later than July 1, 2009, that contains the following information:

(a) The annual amount of funds received and expended from fee increases for the purpose of governmental oversight and coordination of domestic violence prevention, intervention, and prosecution efforts in the city.

(b) Outcomes achieved as a result of the activities associated with the implementation of Section 103627.

(c) This section shall remain in effect only until January 1, 2010, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2010, deletes or extends that date.

SEC. 3. Section 18309 of the Welfare and Institutions Code is amended to read:

18309. (a) The Alameda County Board of Supervisors shall direct the local registrar, county recorder, and county clerk to deposit fees collected pursuant to Section 26840.10 of the Government Code and Section 103627 of the Health and Safety Code into a special fund. The county may retain up to 4 percent of the funds for administrative costs associated with the collection and segregation of the additional fees and the deposit of these fees into the special fund. Proceeds from the fund shall be used for governmental oversight and coordination of domestic violence and family violence prevention, intervention, and prosecution efforts among the court system, the district attorney's office, the public defender's office, law enforcement, the probation department, mental health, substance abuse, child welfare services, adult protective services, and community-based organizations and other agencies working in Alameda County in order to increase the effectiveness of prevention, early intervention, and prosecution of domestic and family violence.

(b) The City Council of the City of Berkeley shall direct the local registrar to deposit fees collected pursuant to Section 103627 of the Health and Safety Code into a special fund. The city may retain up to 4 percent of the funds for administrative costs associated with the collection and segregation of the additional fees and the deposit of these fees into the special fund. Proceeds from the fund shall be used for governmental oversight and coordination of domestic violence and family violence prevention and intervention efforts, including law enforcement, mental health, public health, substance abuse, victim advocacy, community education, and housing, in order to increase the effectiveness of prevention, early intervention, and prosecution of domestic and family violence.

(c) This section shall remain in effect only until January 1, 2010, and as of that date is repealed, unless a later enacted statute deletes or extends that date.

SEC. 4. Due to the unique circumstances of the City of Berkeley with respect to domestic violence, the Legislature hereby finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution. Therefore, the special

legislation contained in this act is necessarily applicable only in the City of Berkeley.

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